Combining service delivery and advocacy within humanitarian agencies: experiences from the conflict in Sri Lanka

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Summary

This paper analyses the strategies of four humanitarian agencies which have been engaged in humanitarian work in Sri Lanka since the start of the war in 1983 and explores the ways in which humanitarian agencies engage with the combatants in a 'complex political emergency'. The paper focuses on the challenges and dilemmas which these agencies have faced in relation to the two sets of combatants: the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE). Focusing the period from 1995 to 1998, the study draws on case data on two Norwegian non-governmental organisations Forut and Redd Barna, and two British NGOs Oxfam and Save the Children Fund (UK).

Introduction

This paper discusses the strategies which humanitarian agencies adopt when they take up the challenge of advocacy in addition to service delivery. When agencies engage in advocacy the potential for confrontation with the combatants increases. Consequently, access to populations in need may be jeopardised. The paper identifies mechanisms for balancing service delivery with advocacy. I also discuss organisational implications of moving beyond service delivery. The paper is based on extensive interviews with several humanitarian agencies working in the North of Sri Lanka.

Internal displacement and response strategies

Since the war between the Liberation Tigers of Tamil Eelam (LTTE) and the Sri Lankan government started in July 1983, people have sought refuge in safer areas in Sri Lanka, India and the West. In the 1990s the number of displaced people in Sri Lanka fluctuated between roughly 500,000 and 1 million. In addition, an estimated 600,000 Tamils have left for India and the West (Gunaratna 1998: 301). Compared to the 1981 census figures, which put the number of Tamils at a little more than 3 million, these figures mean that half the Tamil population has become either displaced or refugees.

It has been argued that humanitarian aid is in crises and that agencies need to rethink their responses and strategies. One argument maintains that humanitarian aid agencies should 'stick to the knitting', that is remain strictly humanitarian, and the key concern of the agencies should be the needs of the recipients (Halliday 1997[1], ICRC 1996). This is a view which has been coined 'humanitarian minimalism' (Slim 1997a: 2). According to this view NGOs should develop standards and codes of conduct for their work in conflict situations in order to deal with problems of neutrality and impartiality.[2]

The opposite argument says that humanitarian agencies have to widen their focus in three respects. Firstly, they should link relief and development (IDS Bulletin 1994, UNHCR 1995). Secondly, agencies should work towards integrating relief with human rights and conflict resolution, and make sure that aid does not fuel the conflict dynamic (Anderson 1995, 1996). Thirdly, their service delivery work

should be complemented by lobbying and advocacy work (Clark 1991, Penrose 1994, ICRC 1999). In this paper I discuss the implications for humanitarian agencies of this third proposition.

The delivery of humanitarian assistance in Sri Lanka

The humanitarian agencies in Sri Lanka have been implementing a 'cross line' operation from the mid-1980s. Humanitarian aid has been brought in from government-controlled areas and reloaded at the Forward Defence Line, which demarcates the areas under government control from areas under the control of the LTTE. Once inside LTTE-controlled areas, aid has been distributed jointly between the local administration, foreign humanitarian agencies and local organisations. The relief operation has over the years been characterised by stability and the large agencies operating in the North have been the same throughout the conflict: Oxfam, Save the Children Fund (SCF), Redd Barna, Forut, Care, Médecins Sans Frontières (MSF), the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC).

The LTTE and the government agree on the overall framework for provision of assistance to displaced and economically affected people. Tamils living in LTTE held areas are considered Sri Lankan citizens both by the government and by the LTTE. Both parties agree that it is the responsibility of the Sri Lankan government to provide assistance to them. From the government's point of view, this arrangement secures government links with the population in LTTE-held areas. From LTTE's point of view, government involvement and responsibility ensures that the LTTE does not have to carry the responsibility for providing aid to the displaced population.

Consequently, the Sri Lankan government has played an active role in delivering services during the conflict. It has provided dry rations to war affected people, although the amounts which have been delivered have often fallen short of international standards. When asked, government officials argue that rations are delivered to 'win the hearts and minds' of the Tamil people and to maintain a government presence in the North. On the other hand, the government is

concerned that aid may fall into the hands of the LTTE. Supplies are therefore kept at a minimum and agency access is severely restricted.

The administration in the North of Sri Lanka consists of a skeleton government presence and an LTTE 'shadow' administration or departments. This 'dual' administration constitutes a *de facto* LTTE-administration. The 'shadow' LTTE-administration carries out its own activities and monitors the activities of the government, the foreign humanitarian agencies and the Tamil people. LTTE effectively controls the activities of the government administration through subtle influence, backed by force and brutal assassinations. The government administration has restricted its operations to distribution of relief and the payment of salaries and pensions and an economic embargo has effectively kept economic and developmental activities in the North at a minimum level.

During the early 1990s the LTTE built up its relief arm, the Tamil Rehabilitation Organisation, which was administered under the political wing of the LTTE. The LTTE saw the role of TRO as one of co-ordinating the humanitarian agencies in the Vanni as well as implementing its own relief work. Agency policies with regard to TRO range from rejection of implementation through TRO in principle, to pragmatic implementation through TRO on the grounds that TRO is the most effective implementing agency. In the middle are some agencies which implement through TRO in order to maintain a good working relationship with the LTTE:

> In order to maintain the understanding with the LTTE, all the INGOs have chosen to appease the TRO to some extent by letting some projects be implemented by them...If one chooses to implement all projects oneself, the TRO will be dissatisfied and problems may occur with local authorities [LTTE]. If too many projects are implemented by TRO, this will be problematic in relation to the government who regards TRO involvement as having close ties with the LTTE. In other words working in the Vanni involves a difficult balancing act between the two authorities.[3]

The agencies have a multifaceted relationship to the LTTE. On the one hand, they generally have a good working relationship in terms of security arrangements. They are also often able to agree on priorities for the work of the agencies. On the

other hand, agencies often experience undue pressure from the LTTE. Firstly, LTTE wants the agencies to bring in as much material resources as possible and to use the resources in areas, and for projects, which the LTTE suggests. Secondly, LTTE applies pressure on the agencies to persuade them to implement through local organisations. The LTTE exerts this pressure through the NGO consortia and pressure on local agency staff, as well as through meetings between the LTTE leadership and the agencies in the Vanni. Despite this pressure, all the agencies have what they call 'working relationships' with the LTTE which involve different degrees of communication and dialogue with the LTTE. Some agencies, such as UNHCR, actively seek a dialogue with the LTTE. Other agencies prefer to avoid contact with LTTE as much as possible.

Negotiations and compromise

Negotiations and compromise is a strategy which agencies employ to manage their day to day relationship with the combatants. This strategy is based on the existence of an area of common interests between the agencies and the combatants. As pointed out by the head of one of the agencies:

> I draw this little picture. This is the government's interest. It is big. It is omnipresent, especially in Sri Lanka. An NGOs interest is smaller and parts of it overlap. Where we can work with the government is where we overlap. Where we can go into the uncleared area a force to be reckoned with is the LTTE. Believe it or not, the interests of the government and the LTTE overlap. There is food. There is agriculture. The only place where we can operate in the uncleared areas is where all the three of those intersect...and it always changes. When it is peace that area gets bigger.

Agencies respond to pressure from the LTTE by engaging in dialogue or negotiations with the LTTE at different levels, depending on the issue. Negotiations often take place with the political leadership. The outcome of the negotiations falls into three categories. Firstly, a compromise may be reached between the agencies and the LTTE whereby the agencies, for example, agree to implement certain projects through TRO. Secondly, faced with unacceptable pressure, agencies may decide to withdraw from a local area until the LTTE accepts agency conditions. Thirdly, agencies resist LTTE pressure and the LTTE

backs down. Another approach to LTTE pressure is to avoid being pressurised in the first place by designing 'unattractive' projects. This means that the projects do not involve resources which are attractive to the LTTE.

On some occasions the agencies have confronted not only pressure, but incompatible demands from the two parties to the conflict. When hundreds of thousands of people were displaced from the Jaffna peninsula and into the Vanni following the government's offensive against Jaffna town in the fall of 1995, the LTTE pressed for long term agency operations in the Vanni. The government only wanted temporary aid in the Vanni and prioritised rehabilitation in Jaffna. At the time, the agencies chose not to start any long term rehabilitation activities in the Vanni. Neither did they start any large scale operations in Jaffna.

An example of how potential reactions from the combatants may stifle agency action and lead to inaction, as predicted by Scott (1995) is given in the quote below:

> What we have not been able to do is to study those household coping strategies. We have not known exactly how to do that. The other is...it is very political. All of a sudden you start telling that this has been going down. The LTTE is going to want this to go this way, and the government wants to argue that it is up this way (refers to chart).

As this quote demonstrates, some agencies have been careful in terms of researching and describing the situation knowing that the results will be controversial. As a result, the agencies' work has been based on less accurate information then it would have been, if the agencies had risked going into these controversial issues.

Managing the relationships: a 'balancing act'

All of the agencies claim that they adhere to the principles of impartiality and neutrality in their work. Of these two concepts, the concept of impartiality seems to be the most straightforward to operationalise. Impartiality relates to the relationship between the agencies and their beneficiaries. It means that aid should

be provided on the basis of need only, without taking into account any other factors, like race, sex, age, beliefs, etc. Neutrality is important in defining the relationship between the combatants and the agencies, and it is a much more problematic concept to operationalise. However, a key element is not to take sides in the conflict. In other words, to balance the relationship to the two sides. The way in which the agencies conduct their field operations is one element in the operationalisation of neutrality which I discuss below.

All of the agencies agree that an important aspect of maintaining neutrality is to work with both the Sinhalese and the Tamil communities. So, for example, agencies, such as Oxfam, Forut and UNHCR, which started out by working only in the North have all established programmes in Sinhalese areas as well.

Secondly, all the agencies agree that transparency is important in the sense that the government and the LTTE should be kept informed about the activities of the agencies. The emphasis on transparency also prevents misunderstandings between the agencies and the combatants.

Thirdly, agencies have different policies in terms of how they implement their projects and programmes. Only two of the agencies working in the North of Sri Lanka are self-implementing: Forut and ICRC. Both of these agencies argue that self-implementation is a necessary requirement for remaining neutral vis à vis the combatants. The other agencies argue that by implementing through local organisations they help build local capacity. They also argue that funds that are channelled through local organisations are closely monitored. UNHCR and Care are the two largest agencies operating in the North and also the two agencies which routinely implement through TRO. Both these organisations argue that they implement through TRO for effectiveness reasons. Oxfam has also implemented through TRO, but only as an exception from the general policy of trying to avoid NGOs which are closely linked to the LTTE.

Fourthly, the agencies have had different policies in terms of how they should work with rehabilitation in areas which have come under government control after having been held by the LTTE. ICRC argues that it would be contrary to the principle of neutrality if the organisation were to start rehabilitation work in areas which had been formerly held by the LTTE, like Jaffna. Oxfam and Redd Barna

have had different reasons for not starting work in Jaffna. Oxfam did not feel any
need to balance its portfolio by going into more projects in government-held
areas. Redd Barna could not accept the conditions laid down by the government
which went contrary to Redd Barna policies.

At last, the issue of whether or not the agencies have employed expatriate staff is
important. It is assumed by the agencies that expatriates are in a better position to
resist pressure from the LTTE. In line with their policies of transferring
responsibility to local staff, both Redd Barna and Forut have had a policy of
having very limited expatriate staff in their office in Colombo. The other agencies
have employed expatriate staff in the field to a much larger degree.

Table 1: Operationalising neutrality and impartiality

issues	UNHCR	Oxfam	SCF	Forut	RB	ICRC	Care
balance ethnicity	yes	yes	yes	yes	yes	yes	yes
implementation	PS	PS	PS	S	PS	S	PS
TRO	yes	yes	*	no	no	no	yes
rehabilitation Jaffna	yes	no	*	yes	*	no	yes
resettlement Vanni	yes	no	no	no	no	no	no
expatriates	yes	yes	yes	no	no	yes	?

* Empty spaces mean that this is not applicable to the agency. In the case of
rehabilitation this is because SCF and Redd Barna no longer do rehabilitation
work.
PS=partnership
S=self-implementing

Table 1 summarises the discussion about how agencies operationalise neutrality.
It shows that the agencies have different ways of operationalising neutrality in the
field. The only issue which all of them treat in the same way is balancing ethnicity
which means that all of them work with the Tamil as well as the Sinhalese
community.

UNHCR and the ICRC have adopted different approaches on four out of the five
indicators above. Being self-implementing, ICRC does not become involved with
the combatants in implementing its relief programme while UNHCR works very

closely both with the government and TRO. UNHCR seems to successfully balance its close relationship to TRO, and frequent meetings with the LTTE, through close collaboration with the government. Both agencies also have a relatively large number of expatriate staff employed in the North and the East. Another factor is that UNHCR and ICRC have by far the largest service delivery programmes in the North and the East of Sri Lanka. Consequently, it is in the government's interest to maintain a good relationship with these two actors.

The two Norwegian NGOs differ from the other NGOs on two points: self-implementation and the use of expatriate staff in the field. Forut, like the ICRC, is the only other organisation that thinks that self-implementation is necessary to remain neutral. During the time when it was doing relief work, Redd Barna was also self-implementing. On the other hand, Care has relied on the opposite strategy which has been to implement through TRO and local NGOs. The government has been concerned about the lack of expatriate staff in the field which was made a requirement for permits to work in Jaffna, after large areas of the peninsula came under government control.

There are also other factors which are relevant to neutrality but which are not a part of the field operations of the agencies. One point which was repeatedly brought up by non-Norwegian NGOs was the 'Norwegian connection'. The Norwegian connection could be defined as the connection which Norwegian NGOs have had to Norwegian aid policy, foreign policy and Norwegian refugee policy. Norwegian foreign policy towards Sri Lanka has emphasised the need for peace and reconciliation. There is also a relatively large Tamil community in Norway. These two factors have been coupled together in the Sri Lankan media to create an image of Norway as a country which would intervene in the peace process on the Tamil side[4].

Below I want to discuss advocacy as one way in which humanitarian agencies can move beyond service delivery. I have argued above that service-delivery is based on collaboration. Advocacy, on the other hand, increases the risk of confrontation with the combatants.

Advocacy: Risking Confrontation

Conflicts are often characterised by grave human rights violations. According to the former UN High Commissioner for Refugees, Sadako Ogata:

> Violations of human rights are major - indeed, the major - cause of mass population displacement. This fundamental relationship is not always given adequate recognition... In many ways it would be more accurate to describe refugees as people whose human rights have been seriously violated or threatened (UNHCR 1995:58).

A fundamental change in agency policies took place in the early and mid-1990s. SCF and Redd Barna changed their policies from having relief and development at their core to a focus on children's rights. Oxfam began to put more emphasis on advocacy within the framework of Oxfam's definition of basic rights. These shifts have meant that the agencies have taken up a mandate which would involve some degree of advocacy work as part of a strategy to promote children's rights or the rights of internally displaced people. The shift towards protection and rights based issues have had implications for the role which the agencies play vis à vis the combatants. From concentrating on service delivery, the agencies have had to define an advocacy strategy, both at the local, national, and international level. An advocacy role potentially brings the agencies into conflict with the government and the LTTE as they work to promote the rights of their beneficiaries and other war affected people. Forut has travelled a different path from the other agencies as Forut has always had advocacy for human rights and peace as part of its mandate. From early on in the conflict, Forut played an active role in supporting peace and reconciliation efforts internationally, as well as being active in the European NGO forum.

It is interesting to note that studies among displaced people have shown that they think foreign agencies should play a role in terms of advocacy for peace. Some of the local NGOs also state that they think that the foreign NGOs are in a position to play an advocacy role in relation to the situation for internally displaced people and that they should do so. Among the foreign NGOs there is a tendency to say that the UN is in a better position to play an advocacy role then they are. In other

words, the responsibility for advocacy and more confrontational politics is pushed over to other organisations.

Within a humanitarian context, Médicins Sans Frontières defines advocacy in the following way:

> Being present among the victims and speaking out about their plight in order to improve their basic living conditions and to protect their fundamental human rights (Milliano 1996: 13).

As the above quote demonstrates, humanitarian agencies are often present among the victims of violations of humanitarian and human rights law. Consequently, they have access to information about these violations, and the question which the agencies are faced with is: what should they do with this information? What is the case in favour of advocacy?

One of the agencies working in Sri Lanka has argued for advocacy in the following way:

> Because if you only pursue one thing the chances are that you end up in really dirty circumstances. That you are only delivering services, but you fail to witness. But if you only witness and not deliver any services, what is your legitimacy in the eyes of the local people who are suffering?

UNHCR has developed an overview of human rights and humanitarian law which would be applicable to situations of internal displacements. UNHCR divides human rights into two categories: rights which can be derogated and rights which can not be derogated (UNHCR 1996).

Table 2: Non-derogable and derogable rights

non-derogable rights	*derogable rights*
prohibitions against attack on civilians	right not to be displaced
prohibitions against torture and cruel and inhumane treatment	freedom of residence
right to food	freedom of movement
prohibitions against disappearances	right of return
	right not to be detained/interned

The Sri Lankan government is a signatory to the Geneva Conventions of 1949, in which article three deals with internal armed conflict, but not to the Additional Protocols of 1977 which treat internal armed conflict in more detail. The Government has taken several legal and institutional steps to improve its human rights record. However, following operation Riviresa to capture Jaffna in 1995, extrajudiciary executions, "disappearances", torture and arbitrary arrests continued to take place under the Prevention of Terrorism Act and Emergency Regulations (Amnesty International 1996).

In February 1988, the LTTE declared its commitment to act in accordance with humanitarian law at all times. As for the LTTE's pledge to abide by humanitarian law, Amnesty International have listed a series of areas where the LTTE have acted in breach of international human rights and humanitarian law (Amnesty International 1995: 2). In connection with the visit, in May 1998, of the UN Special Rapporteur on Children, Olara Otunnu, the LTTE leaders undertook to observe the provisions of the UN Convention on the Rights of the Child and to refrain from recruiting children or engaging them in combat. They also agreed not to impede refugees to return to their home areas or to interfere with humanitarian aid (Sri Lanka Monitor, May 1998: 4).

Advocacy strategies

The agencies have employed two main types of advocacy strategies. The first strategy is lobbying of the combatants in Sri Lanka. The second strategy is lobbying of international actors who presumably can apply pressure on the combatants.

The first strategy, lobbying of the combatants, can be divided into three approaches. Firstly, 'protection by presence' is based on the idea that the presence of international field staff has a restraining influence on the combatants. It is built on the assumption that the presence of agencies will deter violations of human rights and humanitarian law by the combatants because agencies will potentially act as an agent for people whose rights have been violated. The Open Relief Centres run by UNHCR in Mannar and Pesalai are the most well known

examples of this strategy. However, as its limitations became apparent, most notably during the war in the former Yugoslavia (Safe Heavens), but also in Sri Lanka, the concept has increasingly been questioned.

The second approach is direct lobbying of the government and of the LTTE leadership. Agencies have lobbied the government to allow food supplies to areas under LTTE control and on several occasions the agency interventions have been successful. Agencies have also raised issues regarding forceful resettlement and have been able to prevent this from happening. In relation to the LTTE, UNHCR has experienced two failed attempts at lobbying the LTTE into accepting organised return of displaced people to Jaffna.

A third approach to advocacy is lobbying based on reports produced by the agencies themselves. This is a strategy which has been used by Oxfam, SCF and Redd Barna. Both SCF and Redd Barna have commissioned a range of studies about key aspects of the situation of children in Sri Lanka, incorporating input from children themselves. The quote below exemplifies how SCF has tried to carve out a new role for itself through this process of gaining new knowledge about the situation of children:

> So much of the work that we have done over the past couple of years, although small, it has been able to better inform us as to the things that come with the long term effects of the conflict. So we are positioning ourselves to be authoritative perhaps, to try and pressurise people to try and take something other than a short term approach to everything, and hence our interest in education comes from work that started with this, what we talked to communities about, what was important to them: water, shelter, pots and pans did not come on top of the list. It was consistently education. Families whose children have known nothing but the conflict were thinking about the future of their children rather then the next night in the shelter. So we tried to consistently produce material that reflect what people are thinking.

In addition to general reporting on the rights of children, both organisations also report in relation to the Child Rights Convention. This reporting takes place through the Consortium of Humanitarian Agencies based in Colombo and the

Child Rights Group within the Consortium. The objective of this reporting is not only to assess the government's performance, but it is also to build knowledge which can provide a basis for further action by both NGOs and the government. The quote below explains the importance of the Child Rights Convention to the advocacy work of these agencies:

> It provides us with backing. I think the Convention is the most useful tool that we have. When so many countries have signed up, they are accountable in a way. We are justified in telling a government: you have signed the convention and the report is due by Christmas. What kind of assistance do you need in order to finalise the report? We have helped writing many reports complementing government reports and we have also helped governments produce reports when they have had insufficient capacity.

In most cases, the agencies do not go public with their information but prefer to work informally. Only the ICRC has developed relatively clear guidelines as to when they should go public. According to the guidelines, the ICRC must have been a direct witness to ensure absolute certainty about the facts which are being reported, a breach of humanitarian law must have taken place, it must be serious, it must be repeated, and the intervention must not affect the victims.[5] However, the ICRC's main criteria seem to be whether speaking up will help the victims concerned (Sommaruga 1997: 7, Sandoz 1992: 225). One aspect of this is an assessment of the risk that the ICRC will be denied access to the victims, in serious cases thrown out of the country, leaving the victims even more vulnerable than before.

When the Sri Lankan army bombed Navaly church in the Jaffna-peninsula on July 9, 1995 resulting in the deaths of over one hundred people[6], the ICRC went out publicly with a carefully worded statement which not directly mentioned either the government nor the LTTE. It expressed its concern 'by the series of violent acts that have claimed innocent victims' and called upon the parties 'to respect civilian lives, property and places of refuge' (ICRC 1995). The government countered both by disputing the facts, arguing that it was not a direct hit on the church, but in the churchyard, and by fuelling a harsh press campaign against the ICRC. The

ICRC-government relationship became strained for months and the ICRC had a difficult time operating.

Like the ICRC, other agencies have faced severe obstacles from the government when attempting to implement an advocacy mandate. These constraints have mainly taken two forms. One has been direct government interventions with agencies whereby the government has told agencies that it disapproves of their activities. The other has been statements by government spokespersons in the media which dispute the facts of a matter as they have been presented by the agencies. The responses of the government have subtly challenged the reliability of agency information and the legitimacy of their actions. These confrontations between the government and the agencies have resulted in periods of strained relations between them. The implicit threat which the agencies have faced is that the government would deny them access to displaced people in the Vanni or that it would deny them permits to work altogether. Therefore, it seems that the agencies have been reluctant to place themselves in a position in which they have had to confront the government.

The second advocacy strategy seems to be the one favoured by NGOs: to provide information to and to lobby more powerful actors. This strategy could be called 'leverage politics'.[7] As one respondent put it:

> At the same time I think one of our tasks is to make available objective information. We have international staff there, of course most of the information comes from local staff which can be verified within limits. Information then is made available to the international community, so a lot of this information comes from us. Without us being directly involved. It is up to the politicians to decide on action. Both sides are really looking for the support of the people and they are both interested to be seen as adhering to basic international standards.

The agencies have regularly briefed their own embassies in Sri Lanka as well as their foreign ministries at home about the situation in the conflict areas. Forut and Redd Barna have been members of the London based NGO Forum on Sri Lanka which is an advocacy group for NGOs, both national and international, working in Sri Lanka. Oxfam developed a strategy for passing on information about

humanitarian and human rights issues to more powerful players, such as the UN, the EU and donors.

The main arenas for international advocacy related to the conflict have been the UN Human Rights Commission, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities and the annual meeting of the major donors to the Sri Lankan government in Paris. The UN Human Rights Commission first passed a resolution on Sri Lanka in 1987 in which it asked the government to allow the ICRC to offer its services in Sri Lanka. The UN Sub-commission on Prevention of Discrimination and Protection of Minorities adopted a resolution on Sri Lanka in 1984 (Whall 1995: 323). NGOs have raised both peace and human rights issues on these occasions. They have urged the parties to find a peaceful resolution to the conflict, as well as trying to make donors make their aid programs conditional on the human rights performance of the Sri Lankan government.

Advocacy: making it work

According to Keck and Sikkink (1998) advocacy work requires a clear cognitive frame within which an issue can be defined and explained to a target audience. A cognitive frame serves to show that a given state of affairs can be changed through identifying the responsible parties and suggesting credible solutions. If one looks at advocacy issues which have been projected by the humanitarian agencies in Sri Lanka, they fall into three categories: i) humanitarian issues connected to the delivery of assistance to war affected people ii) human rights issues like forceful resettlement, disappearances and problems related to birth certificates and documentation iii) issues which are associated with the peace question.

Keck and Sikkink (1998) argue that an actor who is vulnerable is more likely to respond to advocacy pressure. They discuss vulnerability as a result of aid dependency as the most common type of vulnerability. The Sri Lankan government has to a certain degree been vulnerable in this respect and the annual donor meeting in Paris has provided a focus for NGO advocacy. However, by far the largest two donors, Japan and the Asian Development Bank, have not been targeted. When it comes to the potential for applying leverage and accountability vis à vis the LTTE this is much more limited. Being a largely self-

reliant guerrilla group, raising funding through taxation and trade, the LTTE is not dependent on any large donors which are accessible to advocacy pressure.

As for accountability politics, only states are signatories to human rights law while humanitarian law is binding both for states and for non-state actors. LTTE is, therefore, bound by humanitarian law and it has publicly stated that it will abide by humanitarian law. However, in practice, LTTE argues that humanitarian concerns are secondary to military imperatives, and that the group has limited resources to spend on ensuring that humanitarian law is upheld.[8] On the other hand, the Sri Lankan army has a hierarchical structure whose top and intermediary leadership is accessible to advocacy efforts and whose rank and file can be brought together for training. LTTE has a much smaller number of mid-level officers, its rank and file is much less accessible and the leader, Prabakaran, has only been seen once by the ICRC, and not at all by representatives of the NGOs.[10] Amnesty International and Human Rights Watch have drawn attention to human rights abuses by the LTTE and one of their sources is NGOs operating in these areas (Amnesty International 1996, Human Rights Watch/Asia 1995). So, although the LTTE is not formally accountable in relation to human rights law, as far as the LTTE is concerned with its image and international position it is presumably vulnerable to human rights criticisms.

Based on the discussion above it is possible to deduct that an optimal situation for successful advocacy would be a situation characterised by an issue which is humanitarian in character, a cognitive frame consisting of an international convention and a compatible, national belief system, a target which is integrated into the international community to allow for leverage politics to be employed, and possibly sanctions to be imposed, and a target which has made commitments either to international legal instruments or to national law. If one compares the Sri Lankan government and the LTTE on these characteristics, it becomes evident that an advocacy strategy vis àvis the government is more likely to succeed than an advocacy strategy vis àvis the LTTE. This is because the government has signed up to binding international, legal instruments. The government is integrated into the international community of states. As a recipient of aid, the government is also vulnerable to pressure from donor governments and organisations. In 1997 and 1998, the United Kingdom was the fourth largest donor of development aid to Sri Lanka, providing US$16 million. Norway was the fifth

largest donor, providing US$15 million.[10] Sri Lanka received a total of US$ 329 million in official development assistance in 1997 and US$ 490 million in 1998 (OECD 2000). As a guerrilla organisation, the LTTE is only committed to limited sections of international humanitarian law and there is little scope for leverage politics as LTTE is not dependent on funding from any governments or international organisations.

Neutrality: a barrier to advocacy?

The reason which is often given against taking up advocacy work, is that advocacy is not compatible with maintaining a neutral position. The argument is that advocacy could be perceived as taking sides or engaging in controversy. One of the organisations in the study put it in the following terms:

> ...very sensitive ground because you never get it right. The Sri Lankan government will say you are siding with the Tamils, the Tamils will say you are siding with the government.

The findings from Sri Lanka do not support the idea that neutrality is on the retreat. Rather all of the agencies emphasise their desire to remain neutral based on an operational definition of neutrality. Neutrality is seen as an instrument to achieve delivery of assistance within an environment which at times is perceived as hostile. The efforts which agencies make to balance their relationships to the combatants, in such a way that they are not perceived to be taking sides in the conflict, reflect this understanding of the concept of neutrality. While holding on to the concept of neutrality, agencies have explored avenues for advocacy.

Firstly, the basis for their advocacy work has been their mandates which reflect international laws and conventions, or it has been the particular knowledge which they have gained through their access to the conflict areas. Secondly, their advocacy has been strictly linked to the consequences that the actions of the combatants have for their beneficiaries. Thirdly, the agencies also keep a low profile and they tend to 'decouple'[11] advocacy work from their service delivery work. These strategies have worked in terms of maintaining neutrality in the sense that the agencies in general have been able to continue their service delivery work in the conflict areas.

MSF and ICRC are the strongest exponents of the strategies of using their mandates and knowledge obtained through their work in conflict areas as a way of combining advocacy and service delivery work. I briefly discussed ICRC above. The MSF model is to make advocacy an integral part of service delivery work. On the relationship between advocacy and service delivery, the MSF view is that advocacy is an integral part of service delivery:

> Advocacy is an integral part of our humanitarian mission. Therefore we do not talk about populations in need. We prefer to describe them as populations in danger. The concept of danger indicates that people should be protected against violence and human rights abuses. If they are not, then aid can easily be part of the repressive policies that have caused this suffering in the first place. Aid agencies have to be aware of the permanent danger of becoming government sub-contractors (Milliano 1996: 13).

In implementing its mandate in Sri Lanka, MSF Sri Lanka states that: 'We say what we are doing and what we are seeing'. When MSF witnessed violations of humanitarian law in, for example in September 1995 and July 1997, the organisation publicised the violations through press releases. MSF reporting vis à vis humanitarian law is based on medical evidence collected by MSF field staff and lobbying carried out by MSF is also based on medical evidence. As for human rights issues, MSF hands information on to the ICRC. MSF emphasises the need for absolute transparency vis àvis the combatants. In other words, MSF keeps the combatants informed about their work while also making public instances of violations of humanitarian law committed by the combatants. MSF has developed the concept of 'active impartiality' to describe advocacy work (Slim 1997b). Equally important is MSF's emphasis on transparency in relation to the combatants as a way of ensuring that they are perceived as neutral. The MSF approach to combining service delivery and advocacy was awarded the Nobel Peace Prize in 1999, as the Nobel Committee acknowledged the merits of combining service delivery work with advocacy.

What then are the policy implications for other NGOs of the approaches of the MSF and ICRC? Through a combination of transparency, and of basing their advocacy work on medical evidence, MSF manages to achieve its dual objectives of service delivery and advocacy. ICRC's advocacy work is based on humanitarian law and observance of the organisation's rules for when and how advocacy should be carried out. The best measure of the ability of these two organisations to remain neutral in the eyes of the combatants is probably their continued work in Sri Lanka for over ten years. In other words, based on carefully developed principles and balanced in relation to all parties to the conflict,

advocacy and service delivery have been combined in the field. Could this model be adopted by NGOs and the UNHCR as well? MSF and ICRC provide services which may be considered of a more urgent nature than some services provided by NGOs. MSF and ICRC have a strong focus on medical services which may be seen by the combatants as less dispensable than, for example, income generating projects. The government may therefore tolerate more in terms of advocacy from these two organisations than from smaller NGOs. However, what NGOs and the UNHCR can learn from these two models is that an advocacy policy has to be carefully designed and planned by the organisation and potentially negative consequences for the organisation have to be assessed.

Organisational Issues

When agencies take up advocacy they become vulnerable to criticism from the combatants. The agencies in Sri Lanka have applied a range of responses to minimise their vulnerability.

Organisational responses: knowledge, 'decoupling', alliances and transparency

Advocacy is inherently political work. Keck and Sikkink (1998) use the word advocacy politics and talk about different types of advocacy politics. When the organisation which is doing advocacy and the advocacy target have different goals, advocacy may lead to conflict between the two. Therefore, an organisation which is doing advocacy work often finds that its relationship to the environment is very different from an organisation which is doing service delivery work. What are the implications for organisational structure and behaviour of these different types of relationships to the environment?

Firstly, when organisations take up advocacy work, one component of this work is information politics as discussed by Keck and Sikkink (1998). The need for organisations to collect reliable information leads them to emphasise knowledge and knowledge creation as an important aspect of their work. Sometimes this approach is based on an acknowledgement that the organisation does not in fact know much about its beneficiaries. Developing a knowledge based organisation involves collecting information about relevant issues, and how they can be

defined, within the local context as well as taking on new staff or training existing staff. Building a knowledge based organisation may happen within the framework of an already existing structure, or it may involve radical changes in structure. The latter approach was developed by Redd Barna and, to some extent SCF, when their organisational policies changed to a focus on children's rights and large service delivery oriented programmes were abandoned.

Secondly, several of the organisations have 'decoupled' advocacy work from service delivery work. This is the model which is most widely prescribed in the literature as a means of managing pressure from the environment (Meyer and Scott 1992, Brunsson 1988, Elsbach and Sutton 1992). According to this model, only very limited and discreet advocacy work is carried out in the country of conflict, and a more active role is played by the organisation abroad. The advocacy work carried out abroad could be either on specific issues related to the conflict in Sri Lanka, as has been the case with advocacy work carried out by Oxfam and Forut, or it could be on more general issues as has been the case with the advocacy work carried out by the ICRC. However, Forut's experience has demonstrated that the strategy of carrying out advocacy abroad does not work in terms of avoiding controversy if information about the advocacy work abroad is fed into the country of conflict and ends up in the public domain.

Thirdly, I have argued that transparency is a strategy which is used by all of the agencies to maintain a constructive relationship with the combatants. As a staff member of MSF in Sri Lanka said: 'We say what we are doing and what we are seeing.' In addition to regular meetings and reporting to the combatants, which are activities that all the agencies carry out, Red Cross has taken transparency a step further by publishing its own newsletter in Sri Lanka, as well as explaining its work in the national newspapers to reach a broader constituency. The emphasis which the agencies place on transparency, provision of information and dialogue with the combatants, is surprising in the context of organisational theory. Pfeffer and Salancik have argued that:

> ... organisations attempt to avoid influence and constraint by restricting the flow of information about them and their activities, denying the legitimacy of demands made upon them, diversifying their dependencies,

and manipulating information to increase their own legitimacy (Pfeffer and Salancik 1978: 261).

The organisations in this study provide the combatants with information about their activities for at least three reasons. Firstly, to pre-empt allegations that they are not impartial and neutral. Secondly, to use as a defence in case they are accused of inappropriate activities and, thirdly, to build legitimacy for their work. So, contrary to Pfeffer and Salancik's argument, organisations under pressure supply information about themselves and their activities to key actors rather than restricting it. Providing information serves the purposes of projecting and protecting the image of the organisation. By continually providing information, agencies attempt to persuade other actors that the activity is proper and that the organisation is a valid practitioner. These are the two elements which Suchmann (1995) defines as part of a strategy to build legitimacy. Institutional theory suggests that gaining legitimacy from the environment is a key organisational concern which may impact both on organisational structure and action.[12]

Fourthly, foreign humanitarian agencies are susceptible to criticism exactly because they are foreign and primarily accountable to Western donors and their home constituencies. One lesson which is reflected in much writing about advocacy work is the need for alliances with parties both inside and outside the NGO sector. Alliances may be with the business sector, churches or trade unions (Hall 1992, Covey 1995). This idea may be particularly pertinent to foreign humanitarian agencies. In the Sri Lankan context, the importance of alliances between civil society and sensitive agents inside the establishment has been pointed out (Weerakoon 1997). The NGOs working in Sri Lanka have until recently not entered into alliances with organisations outside the NGO sector. However, this is changing with Redd Barna's and Save the Children's advocacy work. They are developing relationships with civil society institutions, such as research institutions and advocacy groups on children's rights. One pronounced aim of this policy is to give legitimacy to the advocacy work that is carried out on child rights issues. Oxfam, Forut and SCF have adopted the strategy of trying to link up with the views of their beneficiaries through different processes whereby the views of their beneficiaries are sought. However, the agencies have not taken the next logical step which would be to change their policies so that they would become more compatible with the views of their beneficiaries. UNHCR, Forut and

SCF are the organisations which have most explicitly decided to work with the government in particular areas, either out of necessity or based on the idea of scaling up. All these strategies are based on a need to strengthen links between agencies and their environment so that they can become more effective and also increase their legitimacy.

Concluding remarks

As organisations move from service delivery to advocacy the potential for confrontation with the combatants increases. Similarly, as organisations move from humanitarian aid and towards rehabilitation, human rights and peace, goals become less overlapping and the potential for confrontation increases. Moving in this direction increases the potential for conflict. However, if human rights and peace work is implemented as services, such as training programmes, the potential for conflict becomes less. This is an approach which has been adopted widely by, for example, the ICRC which has implemented extensive training programmes for the Sri Lankan army on humanitarian law.

Table 3: From service delivery to advocacy: increased confrontation

role/goals	humanitarian	rehabilitation	human rights	peace
service delivery	A	B	C	D
advocacy	E	F	G	H

As agencies move towards the right in Table 3 to a situation where human rights and peace issues become more prominent on the agenda, the potential for confrontation with the combatants increases. Similarly, as their role changes from service delivery to advocacy this change also increases the potential for confrontation. For example, activities which fall within box A, service delivery of humanitarian aid, are less controversial then activities within box H: advocacy on the peace issue. This combination makes peace issues hard to tackle for foreign NGOs. The agencies in Sri Lanka have developed a range of organisational responses to manage the tensions between service delivery and advocacy. They include building a knowledge based organisation, decoupling, transparency and alliance building.

What are the lessons which the international NGO community can draw from these discussions? First of all, the experience from Sri Lanka demonstrates that it is possible to combine advocacy with neutrality, although it requires a fine balancing act from the agencies. Strong forces are pushing relief NGOs in the direction of advocacy, most notably a demand from their Southern counterparts and even from their beneficiaries. Secondly, combining advocacy and service delivery constitutes an organisational challenge which the agencies have to tackle. In addition to the challenges which have been listed above, the question of the qualifications and training of agency staff is important.

More research is needed on the advocacy strategies of humanitarian agencies in complex political emergencies. One possible design could trace advocacy efforts from the local and national level and through to the international level using a multilevel, possibly comparative, approach.

Notes

1.   Professor Fred Halliday, seminar at LSE, March 1997

2.   Examples of work towards developing a code of conduct include 'Principles of the Code of Conduct for the International Red Cross and Red Crescent Societies Movement and NGOs in Disaster Relief' developed by the Steering Committee for Humanitarian response in 1993. The NGOs involved were Caritas International, Catholic Relief Services, the International Federation of Red Cross and Red Crescent Societies, the International Save the Children Alliance, the Lutheran World Federation, Oxfam and the World Council of Churches. The Mohonk Criteria for Humanitarian Assistance in Complex Emergencies were developed by the New York based World Conference on religion and Peace.

3.   This is a paragraph from a memorandum written by one of the NGOs to a donor.

4.   Island May 26 1997, Sunday Times July 27 1997

5.   Interview with agency staff (22)

6.   Based on figures from Human Rights Watch Asia (1995), p. 1

7.   This concept was developed by Keck and Sikkink in their book: Activists beyond borders (1998)

8.   Interview with agency staff (23)

9.   Interview with ICRC staff

10. Japan provided US$ 166 million, the Asian Development Bank Special Funds provided US$ 92 million and IDA provided US$ 76 million.

11. The most used form of 'decoupling' is to assign advocacy to the head office.

12. Institutional theory is one strand of organisational theory.

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